

### **REMARKS**

The Office Action mailed May 26, 2009 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 7-37 were pending prior to the instant amendment. By this amendment, no claims have been amended, canceled, or newly added. Consequently, claims 7-37 remain pending in the instant application, of which claims 7, 12, 17, and 22 are independent.

#### ***Specification***

The specification has been amended in the manner prescribed by the Examiner. Accordingly, it is respectfully requested that the objection to the disclosure be withdrawn.

#### ***Certificate of Correction***

A cross-reference as prescribed by the Examiner is being requested via Certificate of Correction in RE38266, and is being filed along side this response.

#### ***Oath/Declaration***

A new reissue application declaration by the assignee, as well as a consent of assignee and statement under 37 C.F.R. 3.73(b) are being submitted concurrently herewith. Thus, Applicants contend that the Oath/Declaration is not defective.

#### ***Assent of Assignee***

An assent of the assignee in compliance with 37 C.F.R. §§ 1.172 and 3.73 is being submitted concurrently herewith. Accordingly, Applicants respectfully request the withdrawal of the objection to the application.

#### ***Claim Rejections***

Claims 7-37 stand rejected as alleged being based upon a defective reissue Declaration under 35 U.S.C. § 251 as set forth on pages 3 and 4 of the Office Action. However, a new declaration which conforms to the requirements of 37 C.F.R. § 1.175(a)(1) is being submitted herewith, and which obviates the rejection of the claims. Thus, the claims are in condition for immediate allowance, and the rejection thereof should be withdrawn.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 7-37 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

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